

RECORD OF PROCEEDINGS
Huber Heights City Council

Minutes of

Meeting

In Council Chambers

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

6131 Taylorsville Road

December 15, 22

Held _____ 20 _____

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Special Session on December 15, 2022. Mayor Jeff Gore called the meeting to order at 7:30 p.m.

2. Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio

3. Pledge Of Allegiance

4. Roll Call

Present: Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge, Glenn Otto, Anita Kitchen, Don Webb, Jeff Gore

Absent: Ed Lyons

Mayor Gore said Ed Lyons is not present. He asked if there was a motion to excuse Mr. Lyons' absence.

Mr. Otto said he did not think it was necessary; then he made a motion to excuse Mr. Lyons' absence; Mr. Shaw seconded the motion.

Mr. Shaw asked if it was appropriate to approve an absence for a Special Session.

Mr. Rodgers said it is not necessary to excuse absences for a City Council Special Meeting.

No roll call was called on the motion to excuse Mr. Lyons' absence.

5. Approval Of Minutes

A. City Council Meeting Minutes - November 28, 2022

6. Special Presentations/Announcements

There were no Special Presentations or Announcements.

7. Citizens Comments

Mr. Jeff Morford said he is from Bethel Township. He read excerpts from a newsletter titled Development Blocking Purchase. He discussed his feelings on annexation.

8. Citizens Registered to Speak on Agenda Items

There were no citizens registered to speak on agenda items.

9. City Manager Report

Interim City Manager Bryan Chodkowski announced the City would be receiving \$287,600 in additional ARPA funds for a Wellness Coordinator position for behavioral health services. He said these funds are from a grant Fire Chief Keith Knisley put together earlier in the year. He said City Staff anticipates more detailed information from the Ohio Governor's Office in late January or February.

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10. Pending Business

- A. An Ordinance Increasing The Water Rates In Section 934.02 Of The Codified Ordinances Of Huber Heights.
(first reading)

Mr. Chodkowski said pursuant to Council's discussion at the last Council Work Session, this legislation has been brought forward to increase the water rates by 7.5 percent which will result in approximately a \$2.66 increase to the average resident's monthly bill. He said this item is associated with the next agenda item, the 2023 City Budget. He recommended that this item be adopted.

Mr. Campbell moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Shaw, and Ms. Baker voted yea; Mr. Webb voted nay. The motion passes 6-1.

- B. An Ordinance For Making Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2023 And Ending December 31, 2023.
(third reading)

Mr. Chodkowski said this is the third and final reading of this legislation. He said there are a few additional amendments to this item so the ordinance would have to be amended to reflect these changes since the first reading of the legislation.

Mr. Campbell moved to amend; Mr. Otto seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; Mr. Webb voted nay. The motion passes 6-1.

Mr. Campbell moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- C. A Motion To Reappoint Scott Davidson To The Board Of Zoning Appeals For A Term Ending January 31, 2028.

Clerk of Council Anthony Rodgers said this item is a motion for reappointment to the Board of Zoning Appeals.

Mrs. Byrge moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

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- D. A Motion To Designate Nancy Byrge As The City Representative And Don Webb As The Alternate City Representative To The Miami Valley Regional Planning Commission (MVRPC) And To Designate Russ Bergman As The City Representative And Bryan Chodkowski As The Alternate City Representative To The Miami Valley Regional Planning Commission (MVRPC) Technical Advisory Committee For 2023.

Mr. Rodgers had no additional comments.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Ms. Baker moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; none voted nay. The motion passes 7-0.

- E. A Motion To Designate Anita Kitchen And Richard Shaw As City Representatives And Glenn Otto As The Alternate City Representative To The First Suburbs Consortium For 2023.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

- F. A Resolution Authorizing The City Of Huber Heights To Renew An Agreement With Pickrel, Schaeffer And Ebeling For Legal Services As Law Director For The City Of Huber Heights, Ohio For The Time Period Of January 1, 2023 Through December 31, 2023.
(first reading)

Mr. Rodgers said this is the annual renewal of the contract with PS&E to serve as Law Director for the City.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Otto moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- G. A Resolution To Increase The Not To Exceed Amount For Joint Venture For Marketing Services For The Kroger Aquatic Center In Calendar Year 2022.
(first reading)

Mr. Chodkowski said this item is to provide for an extension of the vendor cap of \$25,000 for Joint Venture. He said City Staff worked with Joint Venture this summer to help bridge the gap while transitioning staff.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

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Ms. Baker moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

- H. An Ordinance Providing For The Continuation Of An Existing .25 Percent Levy On Income Effective January 1, 2025 And Expiring December 31, 2034, And To Submit This Ordinance To The Electorate For Approval Or Rejection And Contingent Upon Such Election Approval, Amend Section 192.012(B) Of Chapter 192, Income Tax, Of Title 9, Taxation Part I, Administration To Reflect The Tax Continuation.
(first reading)

Mr. Chodkowski said this item represents Council's decision to have this levy renewed. He said in order for this legislation to take effect in advance of the May, 2023 primary election, the Council has been asked to waive the second reading of the legislation.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mr. Campbell moved to waive the second reading; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

Ms. Baker moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

- I. A Resolution Specifying May 2, 2023 As The Date For Submitting To The Electorate Of The City Of Huber Heights A Proposal To Provide For The Continuation Of An Existing .25% Levy On Income Effective January 1, 2025 And Expiring December 31, 2034 And Directing The Board Of Elections Of Montgomery County And Miami County, Ohio To Place The Issue On The Ballot.
(first reading)

Mr. Chodkowski said this legislation directs the Montgomery County and Miami County Board of Elections to place the prior piece of legislation for the levy renewal on the ballot for consideration in the May 2023 primary election.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

- J. A Resolution Modifying Community Reinvestment Area #5 By Reducing The Boundaries Thereof.
(first reading)

Mr. Chodkowski said this piece of legislation and the next agenda item are companion pieces of legislation being brought forth to consider and advance the economic development interests of the City regarding Community Reinvestment Area (CRA) #5.

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Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Shaw moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; none voted nay. The motion passes 7-0.

- K. A Resolution Providing For The Second And Final Amendment Of Community Reinvestment Area #7.
(first reading)

Mr. Chodkowski said this item is the second and final amendment to Community Reinvestment Area (CRA) #7. He said this legislation will advance the City's economic development interests and is a requirement of several different development agreements the City has in place.

Mr. Otto moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

- L. A Resolution Authorizing A Moral Claim For Tire Damage.
(first reading)

Mr. Chodkowski said this item is to address the impact of a law enforcement action on an innocent bystander.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Ms. Baker moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

- M. A Resolution Amending And/Or Establishing The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.
(first reading)

Mr. Chodkowski said this item is annual recurring legislation and it lays out the Table Of Organization for this organization.

Mayor Gore said the Council Work Session recommendation was to adopt this item. Mr. Campbell moved to adopt; Ms. Baker seconded the motion.

Mr. Otto said he does not support this item as he feels this is a step backward with the Parks Department.

Mr. Campbell said he will be voting no on this item. He said the establishment of a Parks Manager is something he thought Council was very proud of, and he will be voting no as well.

Mr. Webb said after speaking with the Interim City Manager at length, he is of the mindset that this item is a step away from what the City intended to do with the Parks Manager and the City's park system.

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On a call of the vote, none voted yea; Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted nay. The motion fails 0-7.

- N. A Resolution Authorizing The City Manager To Enter A Real Estate Exchange Agreement With Wright Way Ohio, LLC.
(first reading)

Mr. Chodkowski said this legislation provides for a land exchange between the City and Wright Way Ohio, LLC.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

- O. An Ordinance Authorizing A One-Time Transfer Of Monies From The General Fund To Document An Advance Previously Made To The Community Development Block Grant Fund And Declaring An Emergency.
(first reading)

Mr. Chodkowski said this item is to provide funds that will be reimbursed through the Community Development Block Grant. He asked that Council waive the second reading of this legislation.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Ms. Baker moved to waive the second reading; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

Mr. Webb moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

- P. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.
(first reading)

Mr. Chodkowski said this is the final group of supplemental appropriations to the 2022 City Budget. He asked that this item be adopted.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mr. Webb moved to waive the second reading; Mr. Otto seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; none voted nay. The motion passes 7-0.

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Ms. Baker moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 7-0.

- Q. A Resolution Authorizing The City Manager To Enter Into An Agreement With Patterson Pope To Purchase New Lockers And Benches For Both Locker Rooms In The Huber Heights Police Division And Waiving The Competitive Bidding And Request For Proposals Requirements.
(first reading)

Mr. Chodkowski said this legislation supports a donation from an anonymous giver to support improvements to the Police Division. He asked that this item be adopted.

Ms. Baker moved to adopt; Mr. Otto seconded the motion. Mr. Otto thanked the donor for the donation.

On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 7-0.

- R. A Resolution Authorizing The City Manager To Award Purchase Of A Fire Division Fire Engine With Sutphen Corporation Waiving The Competitive Bidding Requirements.
(first reading)

Mr. Chodkowski said this item authorizes City Staff to enter into a contract with Sutphen to order a new fire engine for the Fire Division in 2023.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 7-0.

- S. A Resolution Accepting Certain Streets And Public Improvements For The Oaks Subdivision.
(first reading)

Mr. Chodkowski said this item accepts certain streets and public improvements in The Oaks Subdivision that now meet City standards for public thoroughfares.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Webb moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 7-0.

- T. A Resolution Accepting Certain Streets And Public Improvements For The Carriage Trails Subdivision.
(first reading)

Mr. Chodkowski said this legislation accepts certain roads and public improvements in the Carriage Trails Subdivision that now meet public standards for public roads.

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Otto, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 7-0.

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- U. A Resolution Authorizing The City Manager To Enter Into A Contract For Fishburg Road/Endicott Road Storm Culvert Replacement Project And Waiving The Formal Bidding Requirements.
(first reading)

Mr. Chodkowski said this legislation authorizes improvements to certain stormwater facilities in the area of Fishburg Road and Endicott Road. He said this project is funded by the Stormwater Fund.

Mrs. Byrge moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 7-0.

- V. A Resolution Declaring Certain City Property As No Longer Required For Municipal Purposes As Surplus And Authorizing Disposal Of Said Property.
(first reading)

Mr. Chodkowski said this item authorizes the disposal of two vehicles in the Engineering Division which were replaced by the Enterprise Fleet Program.

Mrs. Kitchen moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mrs. Kitchen voted yea; none voted nay. The motion passes 7-0.

11. City Official Reports and Comments

Mayor Gore wished everyone a very safe Merry Christmas.

Mr. Otto said he has been in discussions with Bryan Chodkowski and a grant writing company about looking into how well that could work out. He said he is trying to find as many ways to bring in money as he can. He wished everyone a Merry Christmas and Happy Holidays.

Mr. Campbell said in the Water Integrity Study in Section 9 toward the bottom of the report, it indicates the company recommends the City spending \$2 million in 2023 and \$4 million in 2024 through 2029 on water infrastructure. He said that matter may be something Council wants to consider. He said in talking to Bryan Chodkowski regarding water rate increases, Council had authorized City Staff to make water rate increases as necessary.

Mr. Chodkowski spoke to that issue and the legislation that allows the City Manager to raise the water rates. He said the Consumer Price Index is 7 percent and, in theory, City Staff could raise the water rates that high.

Mrs. Byrge said there are a lot of grant opportunities available to the City through the Miami Valley Regional Planning Commission (MVRPC), and she has provided those resources to the City Manager. She thanked the City Manager, the Mayor, and Council for all the progress made this year.

Mrs. Kitchen wished everyone Happy Holidays. She said she has survived her first year on Council and is looking forward to 2023.

Ms. Baker wished everyone a Happy Hanukah, a Merry Christmas, and a Happy New Year.

Mr. Webb wished everyone a Merry Christmas and a Happy New Year. He read a paragraph from an email sent by a resident regarding the water infrastructure.

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He discussed the February 2023 target date for delving into the Water Integrity Study with Mr. Chodkowski.

Mr. Shaw said through the National League of Cities (NLC), an individual has agreed to do a digital and print platform and highlight the City of Huber Heights in February 2023 and provide a complete overall review of the economic plans and growth. He wished everyone a Merry Christmas and a Happy New Year to all.

12. Executive Session

There was no need for an Executive Session.

13. Adjournment

Mayor Gore adjourned the Special Session City Council Meeting at 8:18 p.m.


Clerk of Council

1-12-2023
Date


Mayor

1-13-23
Date